



April 6, 2001

ENGROSSED HOUSE BILL No. 1977

DIGEST OF HB 1977 (Updated April 4, 2001 6:29 PM - DI 106)

Citations Affected: IC 34-6; IC 34-30; noncode.

Synopsis: Fire department immunity for donations. Grants immunity from civil liability to a political subdivision, a volunteer fire department, an employee of a political subdivision or volunteer fire department, or a volunteer firefighter who donates fire control or fire rescue equipment to a fire department of a political subdivision or to a volunteer fire department.

Effective: July 1, 2001.

Adams T, Herrell, Ruppel, Frenz
(SENATE SPONSORS — WHEELER, CRAYCRAFT, MEEKS R, LUTZ L)

January 17, 2001, read first time and referred to Committee on Judiciary.
February 14, 2001, reported — Do Pass.
February 19, 2001, read second time, ordered engrossed.
February 20, 2001, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 27, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
April 5, 2001, reported favorably — Do Pass.

C
o
p
y

EH 1977—LS 7020/DI 51+



April 6, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1977

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-46.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 46.5. "Fire control or protection equipment", for**
4 **purposes of IC 34-30-10.5, includes vehicles, firefighting tools,**
5 **protective gear, breathing apparatuses, and other supplies,**
6 **equipment, and tools used in firefighting or emergency rescue.**
7 SECTION 2. IC 34-6-2-103 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 103. (a) "Person", for
9 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.
10 (b) "Person", for purposes of IC 34-19-2, has the meaning set forth
11 in IC 35-41-1.
12 (c) "Person", for purposes of IC 34-24-4, means:
13 (1) an individual;
14 (2) a governmental entity;
15 (3) a corporation;
16 (4) a firm;
17 (5) a trust;

EH 1977—LS 7020/DI 51+



C
o
p
y

(6) a partnership; or

(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(d) "Person", for purposes of IC 34-26-2, includes individuals at least eighteen (18) years of age and emancipated minors.

(e) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

(f) "Person", for purposes of IC 34-30-5, means any of the following:

(1) An individual.

(2) A corporation.

(3) A partnership.

(4) An unincorporated association.

(5) The state (as defined in IC 34-6-2-140).

(6) A political subdivision (as defined in IC 34-6-2-110).

(7) Any other entity recognized by law.

(g) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

(1) has qualifications or experience in:

(A) storing, transporting, or handling a hazardous substance or compressed gas;

(B) fighting fires;

(C) emergency rescue; or

(D) first aid care; or

(2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(h) "Person", for purposes of IC 34-30-18, includes:

(1) an individual;

(2) an incorporated or unincorporated organization or association;

(3) the state of Indiana;

(4) a political subdivision (as defined in IC 36-1-2-13);

(5) an agency of the state or a political subdivision; or

(6) a group of such persons acting in concert.

(i) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(j) "Person" for purposes of IC 34-30-10.5, means the following:

(1) A political subdivision (as defined in IC 36-1-2-13).

(2) A volunteer fire department (as defined in IC 36-8-12-2).

C
o
p
y



(3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.

(4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.

SECTION 3. IC 34-30-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 10.5. Governmental Entities: Immunity for Donations of Equipment to Fire Departments

Sec. 1. Subject to section 2 of this chapter, a person is immune from civil liability for personal injury, property damage, or death resulting from a defect in fire control or fire protection equipment donated in good faith by the person to a volunteer fire department (as defined in IC 36-8-12-2) or the fire department of a political subdivision, unless the person's act or omission that proximately caused injury, damage, or death constitutes gross negligence or willful, wanton, or intentional misconduct.

Sec. 2. Section 1 of this chapter provides immunity to a person who donates a breathing apparatus only if:

(1) the breathing apparatus is recertified to manufacturer's specifications before it is donated; or

(2) the person notifies the donee, at the time of the donation, that the breathing apparatus has not been recertified to manufacturer's specifications.

SECTION 4. [EFFECTIVE JULY 1, 2001] IC 34-30-10.5, as added by this act, applies only to donations made after June 30, 2001.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1977, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 12, nays 0.

C
o
p
y

EH 1977—LS 7020/DI 51+



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1977, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1977 as printed February 15, 2001.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 0.

C
o
p
y

EH 1977—LS 7020/DI 51+

